

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

BRITTANY WADDELL, ROGER EWING, TONY SMITH, DANIEL HATTEN, DOUGLASS TRIPLETT, ERIK LEWIS, BOB HENDERSON, THOMAS HOLDER, and JAMARCUS DAVIS, individually and on behalf of a class of all others similarly situated,

Plaintiffs, v.

TOMMY TAYLOR, in his official capacity as Interim Commissioner of the Mississippi Department of Corrections; RON KING, in his official capacity as Superintendent of Central Mississippi Correctional Facility; and JOE ERRINGTON, in his official capacity as Superintendent of South Mississippi Correctional Institution,

Defendants.

3:20-cv-0340-TSL-RHW

**NOTICE OF WITHDRAWAL OF MOTION FOR  
TEMPORARY RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION AND  
JOINT MOTION FOR STAY**

The parties, by and through counsel, hereby notify this Court of the withdrawal of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction (docket entry number 6) and the terms under which that Motion is withdrawn. The parties also jointly request that this matter be stayed.

1. Plaintiffs filed this COVID-related prison conditions action seeking declaratory and injunctive relief on May 14, 2020. On May 25, 2020, Plaintiffs filed their Motion for Temporary Restraining Order and Preliminary Injunction [6].

2. Since the filing of Plaintiffs' pending motion, the parties have engaged in informal discovery and extensive settlement negotiations. As a result of those efforts, the parties have entered into an Agreement ("the Agreement") that, depending on compliance therewith, may finally resolve this matter.
3. Pursuant to the Agreement, Plaintiffs have agreed not to seek court action on the pending Motion for Temporary Restraining Order and Preliminary Injunction. Should Plaintiffs' counsel determine that the Agreement is not being adequately followed or is inadequate to protect their clients' interests, or should either party terminate the Agreement, the pending motion can be renewed by Plaintiffs. Defendants would then have 30 days within which to respond to both the Motion and Plaintiffs' Complaint, except that the Plaintiffs may ask the Court to order a different time for the motion response in light of the circumstances at hand.
4. Consistent with the terms of the Agreement and with consent of all parties, Plaintiffs hereby voluntarily withdraw their pending Motion for Temporary Restraining Order and Preliminary Injunction [6] and reserve the right to renew their motion, or an amended version thereof, should they deem it appropriate to do so.
5. The parties agree further that this action should be stayed until further order of this Court while the parties continue to pursue resolution. The parties will provide status reports to the Court as requested, either in writing or by way of status conference. Upon termination of the Agreement or a determination by the parties that the circumstances of the COVID-19 pandemic have changed such that the Agreement no longer is necessary or appropriate, the parties will so notify the Court.

Based on the foregoing, the Motion for Temporary Restraining Order is hereby withdrawn and the parties jointly request that this matter be stayed until further order of the Court.

Submitted this the 15th day of September, 2020.

Respectfully submitted,

*s/ Cliff Johnson*

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this date the foregoing Notice and Motion was served via electronic mail by the court's ECF system on September 15, 2020, to all counsel of record in this matter.

Dated: September 15, 2020

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